

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|--------------------------------------|---|------------|
| CHRISTINE M. JONES, individually and |) | |
| SPECIAL ADMINISTRATOR OF |) | |
| THE ESTATE OF TIMOTHY JONES, |) | |
| |) | |
| Plaintiff, |) | No. |
| |) | |
| v. |) | Judge |
| |) | |
| UNION PACIFIC RAILROAD COMPANY |) | Magistrate |
| AND STEVEN PIGNATO, |) | |
| |) | |
| Defendants. |) | |

NOTICE OF REMOVAL

Defendants, Union Pacific Railroad Company (“Union Pacific”) and Steven Pignato (“Pignato”), by and through their attorneys, file this Notice of Removal pursuant to 28 U.S.C. §§1441 and 1446, of an action filed in the Circuit Court of Cook County, Illinois, County Department, Law Division, entitled “*Christine M. Jones, individually and Special Administrator of the Estate of Timothy Jones, v. Union Pacific Railroad Company and Steven Pignato*” now pending there as civil action No. 12 L 0012. In support of this notice, Union Pacific and Pignato state as follows:

1. Attached as Exhibit 1 is a true and correct copy of the complaint on file in the Circuit Court of Cook County. The complaint was filed on January 3, 2012.
2. Union Pacific was served with the summons and complaint on January 5, 2012, and Pignato was served with the summons and complaint on January 6, 2012. True and correct copies of the papers served upon Union Pacific and Pignato are attached to this filing as Exhibits 2 and 3, respectively.

3. No appearances have been filed by defendants in the state court action. No other pleadings or orders have been entered in the pending state court action. A copy of this Notice of Removal will be promptly served upon plaintiff and filed with the clerk of the state court.

4. Plaintiff's complaint is in nine counts and seeks recovery under state law for claims arising from an alleged collision at a rail-highway grade crossing between a vehicle occupied by the decedent and a Union Pacific commuter train on August 4, 2010. Plaintiff's complaint includes claims recovery for negligence, wrongful death and loss of consortium.

5. Plaintiff's complaint alleges that the decedent was a resident of Lake County, Illinois.

6. On information and belief, plaintiff is a resident of Lake County, Illinois.

7. Union Pacific's principal place of business is in Omaha, Nebraska. It is incorporated in the State of Delaware.

8. Plaintiff's complaint seeks recovery for damages "in an amount in excess of \$50,000.00" in the prayer for relief in each of the nine counts of the complaint. On information and belief, the amount in controversy, exclusive of interest and costs, is well in excess of \$75,000.

9. By virtue of the diversity of citizenship between the parties and the amount in controversy, this Court has original jurisdiction of this action pursuant to 28 U.S.C. §1332(a) and (c) and, therefore, defendants are entitled to remove this action pursuant to 28 U.S.C. §1441(a) and (b).

10. This Notice of Removal has been filed within 30 days after receipt of the summons and complaint, which were first received by Union Pacific on or after January 5, 2012

and Pignato on or after January 6, 2012. The Notice of Removal is therefore timely under 28 U.S.C. §1446(b).

WHEREFORE, defendants Union Pacific Railroad Company and Steven Pignato pray that civil action No. 12 L 0012 now pending in the Circuit Court of Cook County, Illinois, be removed to the United States District Court for the Northern District of Illinois, Eastern Division.

Dated: February 3, 2012

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read 'T. A. Andreoli', with a stylized flourish at the end.

Thomas A. Andreoli
One of the Attorneys
For Union Pacific Railroad Company
and Steven Pignato

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the above and foregoing instrument was properly forwarded to all counsel of record as listed below by:

- ☒ United States Mail, postage prepaid and sealed;
- ☐ United States Certified Mail, postage prepaid and return receipt requested;
- ☐ Hand Delivery;
- ☐ UPS / Next Day Air;
- ☐ Facsimile Transmission (UP Fax No. 877-213-4433);
- ☐ Local Rule 5.9 Electronic Filing (U.S.D.C., ND IL); and/or
- ☒ Email (pdf)

on February 3, 2012.

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Thomas A. Andreoli